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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 1152/2024**

**MRS SAROJ BALA JAIN** .....Petitioner

Through: **Mr. Pratiti Rungta, Adv.**

versus

**DEUTSCHE BANK AND ANR.** .....Respondents

Through: **None.**

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**ORDER**

**26.07.2024**

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**CM APPL. 42146/2024 (Ex.)**

1. Allowed, subject to all just exceptions.
2. The application shall stand disposed of.

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3. The petitioner is seeking initiation of contempt proceedings against the respondents for breach of undertaking/statement given before the Debt Recovery Appellate Tribunal [“DRAT”] on 16.10.2023 which was to the effect that they would not take forcible physical possession of the property in question without issuing a 14-days notice to the respondent i.e., the petitioner in the present petition.
4. No one is present for the respondents, despite sending advance notice.
5. Learned counsel for the petitioner submits that the undertaking was given when the matter came up hearing before the DRAT at the instance of the respondent bank for clubbing of matters between the



same parties pending in two different DRTs. Evidently, the petitioner has moved an application under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [“**SARFAESI**”].

6. It is further submitted that although, the petitioner has moved an application before the DRT-II, seeking issuance of appropriate contempt proceedings against the respondents, the learned Presiding Officer is of the opinion that it is helpless since the undertaking in question was given before DRAT.

7. The abovesaid submission is not legally sustainable. If any undertaking was given before the DRAT and recorded, that merges into the orders passed by the DRT, clothes the latter with jurisdiction and is clearly executable. The DRT can pass appropriate directions, if it is found that there was any breach of the undertaking given on the part of the respondents.

8. At this stage, based on the aforesaid observations, learned counsel for the petitioner requests that she may be permitted to withdraw the present petition.

9. Accordingly, the present Contempt Petition is dismissed as withdrawn, without prejudice.

**DHARMESH SHARMA, J.**

**JULY 26, 2024/sm**